

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUL 13 2017

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

1 JOSEPH H. HARRINGTON
2 Acting United States Attorney
3 Eastern District of Washington
4 Scott T. Jones
5 Assistant United States Attorney
6 Post Office Box 1494
7 Spokane, WA 99210-1494
8 Telephone: (509) 353-2767

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12
13 Plaintiff,

NO. 2:16-CR-194-SAB

14
15 v.

Plea Agreement

16 CAMBREA M. BISHOP,

17
18 Defendant.
19

20
21 Plaintiff, the United States of America, by and through MICHAEL C.
22 ORMSBY, United States Attorney for the Eastern District of Washington, and Scott
23 T. Jones, Assistant United States Attorney for the Eastern District of Washington, and
24 the Defendant, CAMBREA M. BISHOP, and the Defendant's counsel, ~~Sally Winn~~,
25 agree to the following Plea Agreement: *JEFFRY K FINER*
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1 1. Guilty Plea and Maximum Statutory Penalties:

2 The Defendant, CAMBREA M. BISHOP, agrees to plead guilty to Count 1 of
3 the Indictment, which alleges Felon in Possession of a Firearm, in violation of 18
4 U.S.C. §§ 922(g)(1), 924(a)(2). The Defendant, CAMBREA M. BISHOP,
5 understands that this allegation is a Class C felony and carries a maximum penalty of
6 ten years of incarceration, a term of supervised release of up to three years, a
7 maximum fine of \$250,000, and a mandatory \$100 special penalty assessment.

8 The Defendant understands that a violation of a condition of supervised release
9 carries an additional penalty of re-imprisonment for all or part of the term of
10 supervised release without credit for time previously served on post-release
11 supervision.

12 2. The Court is Not a Party to the Agreement:

13 The Court is not a party to this Plea Agreement and may accept or reject this
14 Plea Agreement. Sentencing is a matter that is solely within the discretion of the
15 Court. The Defendant understands that the Court is under no obligation to accept any
16 recommendations made by the United States and/or by the Defendant; that the Court
17 will obtain an independent report and sentencing recommendation from the U.S.
18 Probation Office; and that the Court may, in its discretion, impose any sentence it
19 deems appropriate, up to the statutory maximums stated in this Plea Agreement.
20 The Defendant acknowledges that no promises of any type have been made to the
21 Defendant with respect to the sentence the Court will impose in this matter. The
22 Defendant understands that the Court is required to consider the applicable sentencing
23 guideline range, but may depart upward or downward under the appropriate
24 circumstances.

25 The Defendant also understands that should the sentencing judge decide not to
26 accept any of the parties' recommendations, that decision is not a basis for
27 withdrawing from this Plea Agreement or a basis for withdrawing this plea of guilty.

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1 3. Waiver of Constitutional Rights:

2 The Defendant understands that, by entering this guilty plea, she is knowingly
3 and voluntarily waiving certain constitutional rights, including:

- 4 (a.) the right to a jury trial;
5 (b.) the right to see, hear, and question the witnesses;
6 (c.) the right to remain silent at trial;
7 (d.) the right to testify at trial; and,
8 (e.) the right to compel witnesses to testify.

9 While the Defendant is waiving certain constitutional rights, the Defendant
10 understands that she retains the right to be assisted through the sentencing and any
11 direct appeal of the conviction and sentence by an attorney, who will be appointed at
12 no cost if the Defendant cannot afford to hire an attorney. The Defendant also
13 acknowledges that all pretrial motions currently pending before the Court, if any, are
14 waived. .

15 4. Elements of the Offense:

16 The United States and the Defendant agree that in order to convict the
17 Defendant of Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1),
18 924(a)(2) as charged in Count 1 of the Indictment, the United States would have to
19 prove, beyond a reasonable doubt, the following elements:

20 First, on or about September 23, 2016, in the Eastern District of Washington,
21 the Defendant knowingly possessed a Taurus PT738 .380 caliber pistol bearing
22 serial number 29806B,

23 Second, the firearm possessed had been previously shipped or transported from
24 one state to another; and,

25 Third, at the time the Defendant possessed the firearm, the Defendant had been
26 convicted of a crime punishable by imprisonment for a term exceeding one
27 year.

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1 5) Factual Basis and Statement of Facts:

2 The United States and the Defendant stipulate and agree that the following facts
3 are accurate; that the United States could prove these facts beyond a reasonable doubt
4 at trial; and that these facts constitute an adequate factual basis for CAMBREA M.
5 BISHOP' guilty plea. Pertinent facts are set out below in order to provide a factual
6 basis for the pleas and to provide facts which the Government and Defendant believe
7 are relevant for computing the appropriate guideline range. This statement of facts
8 does not preclude either party from presenting and arguing, for sentencing purposes,
9 additional facts that are relevant to the guideline computation or sentencing, unless
10 otherwise prohibited in this agreement.

11 In September 2016, Spokane County Sheriff's Office Detective and FBI Task
12 Force Officer Brad Richmond received information that Martin Esteban Rios, the
13 romantic partner of the Defendant (charged separately in case number 16-CR-197-
14 SAB), was selling drugs and possessing firearms at 2213 East 4th Avenue in Spokane.
15 He also learned that Rios had an outstanding Washington State Department of
16 Corrections (DOC) arrest warrant.

17 On September 23, 2016, Officer Pat Green of the DOC, at Richmond's request,
18 conducted surveillance of the 2213 East 4th Avenue residence. At approximately 2:00
19 p.m., Officer Green observed a man, whom he believed to be Rios, using a key on a
20 lanyard to enter the residence. Officer Green then observed a number of individuals
21 enter and leave the residence, with visit durations short enough to make him suspect
22 drug activity.

23 At approximately 3:30 p.m., Officer Green saw the man he believed to be Rios
24 exit the residence and go towards the back alley. Another officer then saw a silver
25 Mazda go down the alley towards the back of the duplex. Approximately five minutes
26 later, the vehicle left the alley and drove by Officer Green. He saw two women in the
27 front seats and Rios in the back seat. At Green's request, officers from the Spokane
28

1 Police Department (SPD) stopped the Mazda. Green then arrested Rios on the
2 outstanding DOC warrant.

3 After Rios was taken into custody, SPD Sgt. Vigessa and Officer Green asked
4 the driver and the front seat passenger (the Defendant), to step out of the vehicle. The
5 Defendant left her purse in the vehicle when she exited. At one point during her
6 interaction with the police, she asked an officer to get her a cigarette out of the purse.

7 Green seized a lanyard with two attached keys and a backpack, both of which
8 belonged to Rios, from the vehicle. In the backpack, he found a Ruger SR 1911 .45
9 caliber pistol, bearing serial number 671-61793; a Smith and Wesson MMP .45
10 caliber pistol, bearing serial number HPZ2638; and a RG RG31 .38 caliber pistol,
11 bearing serial number Q208609. The backpack also contained approximately 360
12 grams of heroin and a black nylon bag bearing the name "RIOS", which contained
13 \$2,689 and packaging material. Another bag found in Rios' pocket contained \$1,754.

14 The officers obtained a searched warrant for the vehicle and its contents. Inside
15 the Defendant's purse, they found a digital scale with brown sticky residue, \$2,101 in
16 cash, a stolen Taurus PT 738 .380 caliber pistol bearing serial number 29806B, and
17 the Defendant's identification.

18 Detective Richmond obtained and executed a state search warrant for the
19 residence on East 4th Avenue. One of the keys on the seized lanyard unlocked the
20 front door. The other unlocked a locked closet in a bedroom containing mail addressed
21 to, and hung pictures of, Rios and the Defendant. Inside that bedroom, officers found:
22 (1) a Ruger P95 9mm pistol, bearing serial number 317-67373; (2) a Fillipietta .44
23 caliber pistol, bearing serial number P87711; (3) a Taurus PT22 .22 caliber pistol,
24 bearing serial number AXA28019; (4) a Glock 22 .40 caliber pistol, bearing serial
25 number NBP755; (5) a Smith and Wesson 38 Special .38 caliber pistol, bearing serial
26 number CYR5328; (6) a scale; (7) packaging material; and (8) pay and owe sheets.

27 In the weeks preceding his arrest, Rios sold heroin in and around Spokane with
28 the Defendant's help. The Defendant knew of, and had control over, all of the firearms

1 found in the residence on East 4th Avenue. She lived in the residence with Rios and
2 kept heroin, the scale, the packaging material, and the pay and owe sheets in the
3 residence in order to facilitate the trafficking of heroin. She possessed all the firearms,
4 including the Taurus pistol found in her purse, during and in relation to a conspiracy
5 to distribute more than 100 grams of heroin.

6 On September 24, 2013, the Defendant suffered a felony conviction for bank
7 fraud in the United States District Court for the Eastern District of Washington.

8 Special Agent Michael Northcutt of the Bureau of Alcohol, Tobacco, Firearms,
9 and Explosives examined the Taurus pistol found in the Defendant's purse. He
10 determined that it was not manufactured in the state of Washington. He concluded that
11 the firearm moved in and affected interstate commerce.

12 6. The United States Agrees:

13 The United States Attorney's Office for the Eastern District of Washington
14 agrees not to bring any additional charges against the Defendant based upon
15 information in its possession at the time of this Plea Agreement and arising out of
16 Defendant's conduct charged in the Indictment unless the Defendant breaches this
17 Plea Agreement any time before or after sentencing. The United States also agrees to
18 move to dismiss Count 2 of the Indictment, which alleges Possession of a Stolen
19 Firearm, in violation of 18 U.S.C. §§ 922(j), 924(a)(2), at sentencing.

20 7. United States Sentencing Guideline Calculations:

21 The Defendant understands and acknowledges that the United States Sentencing
22 Guidelines (USSG) are applicable to this case and that the Court will determine the
23 Defendant's final and applicable advisory guidelines sentencing range at the time of
24 the sentencing hearing.

25 (a.) Base Offense Level:

26 The parties agree that the Base Offense Level is 12. *USSG §2K2.1(a)(7)*.

27 (b.) Specific Offense Characteristics:

1 The parties agree that, because the offense involved between three and seven
2 firearms, the offense level should be increased by 2. *USSG §2K2.1(b)(1)*. The parties
3 further agree that, because the offense involved a stolen firearm, the offense level
4 should be increased by an additional 2. *USSG §2K2.1(b)(4)(A)*. The parties agree that
5 no further Specific Offense Characteristics apply.

6 (c.) Acceptance of Responsibility

7 If the Defendant pleads guilty and demonstrates a recognition and an
8 affirmative acceptance of personal responsibility for the criminal conduct; provides
9 complete and accurate information during the sentencing process; does not commit
10 any obstructive conduct; accepts this Plea Agreement; and enters a plea of guilty no
11 later than August 10, 2017, the United States will move for a three-level downward
12 adjustment in the offense level for the Defendant's timely acceptance of
13 responsibility, pursuant to *USSG §3E1.1(a)* and (b).

14 The Defendant and the United States agree that the United States may at its
15 option and upon written notice to the Defendant, not recommend a three-level
16 downward reduction for acceptance of responsibility if, prior to the imposition of
17 sentence, the Defendant is charged or convicted of any criminal offense whatsoever or
18 if the Defendant tests positive for any controlled substance.

19 Furthermore, the Defendant agrees to pay the \$100 mandatory special penalty
20 assessment to the Clerk of Court for the Eastern District of Washington, at or before
21 sentencing, and shall provide a receipt from the Clerk to the United States before
22 sentencing as proof of this payment, as a condition to this recommendation by the
23 United States.

24 (d.) Criminal History

25 The United States and the Defendant understand that the Defendant's criminal
26 history computation will be determined by the Court after review of the Presentence
27 Investigative Report. The United States and the Defendant have no agreement and
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1 make no representations as to the Defendant's final and applicable criminal history
2 category.

3 8. Departures/Variances:

4 The Defendant intends to request a downward departure/variance from the
5 sentencing guidelines. The United States reserves its right to oppose any downward
6 departure/variance.

7 9. Substantial Assistance:

8 The United States also agrees to furnish the Defendant an opportunity to
9 provide "substantial assistance," that is, information and assistance in the investigation
10 and prosecution of others. The Defendant agrees to meet with federal and state law
11 enforcement agents in an attempt to assist them in obtaining information that would
12 form the basis of a motion for correction or reduction of sentence to be filed pursuant
13 to USSG §5K1.1 and 18 U.S.C. § 3553(e). The Defendant understands that whether
14 any such information amounts to substantial assistance is a determination left to the
15 United States Attorney's Office.

16 (a.) The Defendant must provide information and assistance in the
17 federal or state investigation and prosecution of others who have the same as or
18 greater involvement than the Defendant's involvement in violations of the law.

19 (b.) The Defendant understands and agrees to participate in full
20 debriefings by federal and local investigative agencies about the Defendant's
21 knowledge of illegal conduct, at times and places to be decided by these agencies.
22 The Defendant agrees to provide complete, accurate, and truthful information during
23 the debriefings. Such debriefings may involve the use of a polygraph, if requested by
24 the agencies. It is understood that the Defendant may have an attorney present at the
25 debriefings. The Defendant also agrees to participate in any future court proceeding
26 involving any named or unnamed coconspirators and any other persons involved in
27 criminal activity, by testifying completely and truthfully. Such court proceedings
28 include grand jury proceedings, trials, and sentencing hearings.

1 (c.) The Defendant agrees that the United States may, at its option and
2 upon written notice to the Defendant, withdraw from this Plea Agreement or modify
3 its recommendation for sentence if the Defendant fails to provide truthful, complete
4 and honest information during debriefings, testimony before the grand jury, or any
5 court proceedings, or if the Defendant fails a polygraph examination. The
6 determination whether the Defendant has failed a polygraph examination shall be
7 made by the Court.

8 (d.) The Defendant understands this agreement does not protect him
9 from prosecution for perjury, obstruction of justice, or any other offense should the
10 Defendant commit any crime during the Defendant's cooperation under this
11 agreement.

12 (e.) The Defendant understands further that if the United States
13 determines that the Defendant has provided "substantial assistance" and a motion is
14 made, the Court will be free to impose any sentence, even one below the applicable
15 Guidelines sentencing range and below any statutory minimum. If a "substantial
16 assistance" motion is filed, both the United States and the Defendant will be free to
17 make a specific recommendation with respect to any correction or reduction of
18 sentence. It is understood that the United States will inform the sentencing judge
19 about the timing and extent of the Defendant's cooperation.

20 (f.) The Defendant understands that, if the United States files a motion
21 indicating the Defendant has provided "substantial assistance," the appropriate
22 reduction shall be determined by the Court, and that the Court will consider: (1) the
23 significance and usefulness of the Defendant's assistance, taking into consideration the
24 United States' evaluation of the assistance rendered; (2) the truthfulness,
25 completeness, and reliability of any information or testimony provided by the
26 Defendant; (3) the nature and extent of the Defendant's assistance; (4) any injury
27 suffered, or any danger or risk of injury to the Defendant or the Defendant's family
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1 resulting from the Defendant's assistance; and (5) the timeliness of the Defendant's
2 assistance. *USSG §5K1.1(a)(1)-(5)*.

3 10. Incarceration:

4 The United States agrees to recommend a sentence at the low end of the USSG
5 range, as determined by the Court.

6 11. Criminal Fine:

7 The United States and the Defendant are free to make whatever
8 recommendation concerning the imposition of a criminal fine that they believe is
9 appropriate.

10 12. Supervised Release:

11 The United States and the Defendant agree to recommend that the Court impose
12 a three-year term of supervised release.

13 13. Mandatory Special Penalty Assessment:

14 The Defendant agrees to pay the \$100 mandatory special penalty assessment to
15 the Clerk of Court for the Eastern District of Washington, at or before sentencing,
16 pursuant to 18 U.S.C. § 3013, and shall provide a receipt from the Clerk to the United
17 States before sentencing as proof of this payment.

18 14. Payments While Incarcerated:

19 If the Defendant lacks the financial resources to pay the monetary obligations
20 imposed by the Court, the Defendant agrees to earn the money to pay toward these
21 obligations by participating in the Bureau of Prisons' Inmate Financial Responsibility
22 Program.

23 15. Additional Violations of Law Can Void Plea Agreement:

24 The Defendant and the United States agree that the United States may at its
25 option and upon written notice to the Defendant, withdraw from this Plea Agreement
26 or modify its recommendation for sentence if, prior to the imposition of sentence, the
27 Defendant is charged or convicted of any criminal offense whatsoever or if the
28 Defendant tests positive for any controlled substance.

16. Appeal Rights:

In return for the concessions that the United States has made in this Plea Agreement, the Defendant agrees to waive her right to appeal her conviction and sentence unless the Court imposes a term of incarceration above the final USSG range, as calculated by the Court, in which case she may only appeal her sentence. The Defendant further expressly waives her right to file any post-conviction motions attacking her conviction and sentence, including a motion pursuant to 28 U.S.C. § 2255, except one based upon ineffective assistance of counsel based upon information not now known by the Defendant, and which, in the exercise of due diligence, could not be known by the Defendant by the time the Court imposes the sentence.

17. Integration Clause:

The United States and the Defendant acknowledge that this document constitutes the entire Plea Agreement between the United States and the Defendant, and no other promises, agreements, or conditions exist between the United States and the Defendant concerning the resolution of the case. This Plea Agreement is binding only upon the United States Attorney's Office for the Eastern District of Washington, and cannot bind other federal, state or local authorities. The United States and the Defendant agree that this agreement cannot be modified except in a writing that is signed by the United States and the Defendant.

Approvals and Signatures

Agreed and submitted on behalf of the United States Attorney's Office for the Eastern District of Washington.

MICHAEL C. ORMSBY
United States Attorney



Scott T. Jones
Assistant U.S. Attorney

7/13/17
Date

1 I have read this Plea Agreement and have carefully reviewed and discussed
2 every part of the agreement with my attorney. I understand and voluntarily enter into
3 this Plea Agreement. Furthermore, I have consulted with my attorney about my
4 rights, I understand those rights, and I am satisfied with the representation of my
5 attorney in this case. No other promises or inducements have been made to me, other
6 than those contained in this Plea Agreement and no one has threatened or forced me in
7 any way to enter into this Plea Agreement. I am agreeing to plead guilty because I am
8 guilty.

9 
10 CAMBREA M. BISHOP
11 Defendant

7-13-17
Date

12
13 I have read the Plea Agreement and have discussed the contents of the
14 agreement with my client. The Plea Agreement accurately and completely sets forth
15 the entirety of the agreement between the parties. I concur in my client's decision to
16 plead guilty as set forth in the Plea Agreement. There is no legal reason why the
17 Court should not accept the Defendant's pleas of guilty.

18
19 ~~Sally Winn~~ 
20 Attorney for the Defendant

7-13-17
Date